



Attorney Docket No. 13466-002005

THU 3621
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:)
Applicant: Thomas G. Woolston)
Application No. 09/670,562) Group Art Unit: 3627
Examiner: James A. Kramer)
Filing Date: September 27, 2000)
Title: Method for Facilitating)
Commerce at an Internet-)
Based Auction)

**PETITION OBJECTING TO IMPROPER THIRD-PARTY PARTICIPATION IN
EXAMINATION OF PENDING APPLICATION BY EBAY, INC, AND REQUESTING
THAT THE OFFICE EXPUNGE IMPROPER THIRD-PARTY FILING OF EBAY, INC.**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On April 22, 2005, adjudicated willful infringer eBay, Inc. ("eBay"), filed documents in every pending patent application assigned to and owned by MercExchange, LLC ("MercExchange" or the "Patent Owner"), consisting of more than 53 pages of adversarial argument. In these filings, eBay asked that the United States Patent and Trademark Office ("the Office") "take notice" of eBay's broadside of contentions with respect to the validity of the

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

06/23/2005 DENMANU1 00000042 061050 09670562

01 FC:1464 130.00 DA

Adjustment Date: 09/14/2005 AKELLEY
06/23/2005 DENMANU1 00000042 061050 09670562
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09/14/2005 AKELLEY 00000007 061050 09670562
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June 20, 2005

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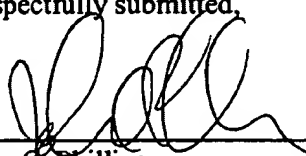
II. CONCLUSION

For the foregoing reasons, MercExchange respectfully requests that the Office deny eBay's improper attempt to participate in this proceeding. Accordingly, MercExchange further requests that the Office deny eBay's request that the Office "take notice" of its arguments, and that the Office expunge eBay's improper filing from the record.

Please apply any charges or credits to Deposit Account No. 06 1050.

Dated: June 20, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Phillips", is written over a horizontal line.

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